

REMARKS/ARGUMENTS

Claims 8, 9, and 27-28 and 33-40 are active.

Claims 8 and 9 are amended to clarify the manner in which the claimed composition is prepared, in that the aqueous gel cores coated with hydrophobic particles are not subsequently coated with a material in a manner similar to the previous amended defining that the aqueous gel cores are directly coated and have not been previously coated with a material as discussed during the interview held on July 31, 2008. Support is again found in the Examples, and in particular Example 2.

No new matter is added.

In the Action, an obviousness rejection combining Kimijima and Bayerlein is asserted. Applicants respectfully submit that the combination of these references do not describe or suggest that the aqueous gel cores coated with hydrophobic particles are not subsequently coated with a material because Kimijima clearly does so.

Kimijima describes Aerosil R972 as suggested as a suitable powder (in Example 1) and Table 1, footnote 3 indicates that this material is a coated hydrophobic particle. However, Kimijima does not describe (A) gelling agents and (2) that Kimijima requires a subsequent polymer film (see page 2, claim 2). For (A), Bayerlein is cited.

Neither Kimijima nor Bayerlein suggest that which is claimed where the aqueous gel cores coated with hydrophobic particles are **not** subsequently coated with a material as described in Example 2.

As discussed previously, the invention provides a structure in which water is enclosed by a powder particles using the mutual interaction of water and the powder instead of a polymer film. As the powder that covers water restores the state of fine powder particles, each independent from the other, after discharge of water by pressure applied to the cosmetic,

the problem of leaving the film on the skin does not occur. The cosmetic preparation thus provides refreshing, smooth, and expanded feelings.

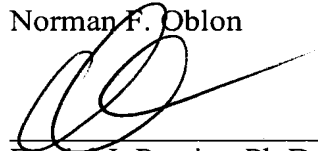
The prior art in which water is physically covered with a dense and continuous polymer film is quite different in technological concept from the present invention in which water is covered with powder adsorbed on the interface of the air and water by the interaction of the powder and water. In addition, the present invention has an advantage over the prior art. Therefore, it is clear that the claims are not obvious from the references.

Reconsideration and withdrawal of the rejection is requested.

Applicants also request a Notice of Allowance.

Respectfully submitted,

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